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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/502,094

07/22/2004

Gunter Petz

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4011

7590 05/12/2008  
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EXAMINER

CHIESA, RICHARD L

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

05/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/502,094 | <b>Applicant(s)</b><br>PETZ ET AL. |  |
|                              | <b>Examiner</b><br>Richard L. Chiesa | <b>Art Unit</b><br>1797            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 3, 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-17 and 20-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on July 26, 2007 has been entered.

### ***Election/Restrictions***

2. Applicants' election without traverse of species A in the reply filed on July 26, 2007 is acknowledged.
3. Claims 3, 18, and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species. Election was made **without** traverse in the reply filed on July 26, 2007.

### ***Claim Rejections - 35 USC § 112***

4. Claims 6-8, 20, 21, 23, and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. More specifically, the reasons for this rejection are: (A) Claims 6-8, 20, and 29 are indeterminate because there is apparently no antecedent basis for the phrases "the first and/or second filter stage" (claim 6, lines 2, 3), "the first filter stage" (claim 7, lines 2, 3), "the second filter stage" (claim 8, lines 2, 3), "the branched-off part" (claim 20, line 3), and "the filter stage" (claim 29, line 2). (B) Claim 21 is ambiguous due to the presence of the

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vague exemplary expression “e.g. polyethylene,” on the fourth line of the claim. Note MPEP section 2173.05(d). (C) Claim 23 is ambiguous due to the presence of the vague relative terminology “or a similar material” on the last line of the claim. Note MPEP section 2173.05(b).

***Claim Rejections - 35 USC § 102/103***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 5, 6, 17, 28, and 29 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lea. Lea (note Figures 1, 9) shows an air humidifier with two housing components A, B', fan J, filters D, L, L', pivoted liquid flow control flap 31, and liquid inlet tubes 12, 15 as claimed (35 USC 102b). It would appear that Lea may not explicitly state that the two housing components are autonomous structural units. However, Lea does disclose latch members 28, 29 for securing and detaching the two housing components. Consequently, it is inherent or at least would have been readily obvious to one of ordinary skill

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in the art (35 USC 103a) in light of Lea's disclosure that Lea's housing components are indeed autonomous structural units.

8. Claims 2, 4, 13-15, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea in view of Wang. Lea, as described above in paragraph 7, discloses an air humidifier substantially as claimed. However, Lea may not explicitly mention the use of box-shaped housing components, a double fan unit, a plurality of different filters, ozonization device, and perfume dispenser. In any case, Wang (note ref. num. 2, 3, 5, 15, 31, Figures 1-3, and col. 2, lines 37-62) teaches the use of all these expedients in an air treatment apparatus for the purpose of ensuring a clean air stream and for this same reason it would have been obvious to one of ordinary skill in the art to employ these expedients in the Lea air humidifier.

9. Claims 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea in view of Noh et al. Lea, as described above in paragraph 7, discloses an air humidifier substantially as claimed with the apparent exception of hinged filter doors. Noh et al teach the well-known use of hinged filter doors 3, 4, (note Figures 1-4) in an air treatment device for the purpose of improving accessibility and for this same reason it would have been obvious to one of ordinary skill in the art to employ such an expedient in the Lea air humidifier.

10. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea in view of High. Lea, as described above in paragraph 7, discloses an air humidifier substantially as claimed. It would appear that Lea may not explicitly mention the use of a chemical sterilization

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device and a sorption catalyst activated carbon filter. However, High (note ref. num. 32, 34, Figure 1, and col. 5, line 39 to col. 6, line 18) teaches the use of these two expedients in an air treatment apparatus for the purpose of ensuring a highly purified air stream and for this same reason it would have been obvious to one having ordinary skill in the art to employ such expedients in the Lea air humidifier.

11. Claims 16, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea in view of Gentry. Lea, as described above in paragraph 7, discloses an air humidifier substantially as claimed with the apparent exceptions of pivoted air control flaps and a removable foil or film. Gentry (note Figures 2, 4) teaches the well-known uses of pivoted air control flaps 22, 26, and a removable foil or film 30-39 in an air treatment device for the purpose of ensuring a highly clean air flow (note page 2, line 56 to page 3, line 18) and for this same reason it would have been obvious to one of ordinary skill in the art to employ such expedients in the Lea humidifier.

12. Claims 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 2 in paragraph 8 above, and further in view of Blair, Jr. The prior art, as described above in paragraph 8, discloses an air humidifier substantially as claimed with the apparent exception of floating evaporation bodies. In any case, Blair, Jr. (note ref. num. 14, Figures 1-3) teaches the use of floating evaporation bodies in an air treatment apparatus for the purpose of ensuring the removal of fine dust and particulates (note col. 1, lines 5-10) and for this

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same reason it would have been obvious to one of ordinary skill in the art to employ such an expedient in the prior art air humidifier described above.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references have been cited as art of interest to show other air treatment systems.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane S. Smith, can be reached at (571) 272-1166.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-1700.

Facsimile correspondence must be transmitted through (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard L. Chiesa  
May 9, 2008

**/Richard L. Chiesa/  
Primary Examiner  
Art Unit 1797**